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| APPLICATION NO.            | FILING DATE                         | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |  |
|----------------------------|-------------------------------------|----------------------|---------------------|------------------|--|
| 10/749,696                 | 12/31/2003                          | Lorrie A. Creveling  | 2348.0070000        | 2179             |  |
|                            | 7590 10/22/200<br>SLER, GOLDSTEIN & | EXAMINER             |                     |                  |  |
| 1100 NEW YORK AVENUE, N.W. |                                     |                      | GREGG, MARY M       |                  |  |
| WASHINGTON, DC 20005-3934  |                                     |                      | ART UNIT            | PAPER NUMBER     |  |
|                            |                                     |                      | 3694                |                  |  |
|                            |                                     |                      |                     |                  |  |
|                            |                                     |                      | MAIL DATE           | DELIVERY MODE    |  |
|                            |                                     |                      | 10/22/2009          | PAPER            |  |

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

## Advisory Action Before the Filing of an Appeal Brief

| Application No. | Applicant(s)     |  |  |
|-----------------|------------------|--|--|
| 10/749,696      | CREVELING ET AL. |  |  |
| Examiner        | Art Unit         |  |  |
| MARY GREGG      | 3694             |  |  |

|   | MARY GREGG   | 3694  |  |
|---|--|---|--|
| The MAILING DATE of this communication appe   | ars on the cover sheet with the c  | correspondence add  | ress                                     |
| THE REPLY FILED <u>06 October 2009</u> FAILS TO PLACE THIS A  | PPLICATION IN CONDITION FOR  | R ALLOWANCE.  |  |
| 1.  The reply was filed after a final rejection, but prior to or on application, applicant must timely file one of the following rapplication in condition for allowance; (2) a Notice of Appe for Continued Examination (RCE) in compliance with 37 C periods:   | the same day as filing a Notice of <i>n</i> eplies: (1) an amendment, affidavi al (with appeal fee) in compliance                | Appeal. To avoid abar<br>t, or other evidence, w<br>with 37 CFR 41.31; or | hich places the (3) a Request            |
| a) The period for reply expiresmonths from the mailing b) The period for reply expires on: (1) the mailing date of this Ac no event, however, will the statutory period for reply expire la Examiner Note: If box 1 is checked, check either box (a) or (I MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f   | dvisory Action, or (2) the date set forth<br>ter than SIX MONTHS from the mailing<br>b). ONLY CHECK BOX (b) WHEN THE             | g date of the final rejection   | n.                                       |
| Extensions of time may be obtained under 37 CFR 1.136(a). The date of have been filed is the date for purposes of determining the period of extrunder 37 CFR 1.17(a) is calculated from: (1) the expiration date of the siset forth in (b) above, if checked. Any reply received by the Office later may reduce any earned patent term adjustment. See 37 CFR 1.704(b). NOTICE OF APPEAL  | on which the petition under 37 CFR 1.1<br>ension and the corresponding amount on<br>the ortened statutory period for reply origi | of the fee. The appropria<br>nally set in the final Offic                 | ate extension fee<br>e action; or (2) as |
| <ol> <li>The Notice of Appeal was filed on A brief in compl<br/>filing the Notice of Appeal (37 CFR 41.37(a)), or any exten<br/>Notice of Appeal has been filed, any reply must be filed wind<br/>AMENDMENTS</li> </ol>   | sion thereof (37 CFR 41.37(e)), to   | avoid dismissal of the  |  |
| <ul> <li>3.  The proposed amendment(s) filed after a final rejection, b</li> <li>(a) They raise new issues that would require further con</li> <li>(b) They raise the issue of new matter (see NOTE below</li> <li>(c) They are not deemed to place the application in bett appeal; and/or</li> </ul>   | sideration and/or search (see NOTv);   | ΓE below);  |  |
| (d) They present additional claims without canceling a converse NOTE: (See 37 CFR 1.116 and 41.33(a)).  |  |   | DTOL 004)                                |
| <ul> <li>4.  The amendments are not in compliance with 37 CFR 1.12</li> <li>5.  Applicant's reply has overcome the following rejection(s):</li> <li>6.  Newly proposed or amended claim(s) would be allowed the following rejection on the following rejection of the following rejection on the following rejection on the following rejection on the following rejection on the following rejection of the following rejection on the following rejection of the following rejection of</li></ul> | ·  |   | ·  |
| non-allowable claim(s).  7. For purposes of appeal, the proposed amendment(s): a) how the new or amended claims would be rejected is prove The status of the claim(s) is (or will be) as follows:  Claim(s) allowed:  Claim(s) objected to:  Claim(s) rejected:  Claim(s) withdrawn from consideration:   | 」 will not be entered, or b) ☐ wil   | •   | _  |
| AFFIDAVIT OR OTHER EVIDENCE   |  |   |  |
| <ol> <li>The affidavit or other evidence filed after a final action, but<br/>because applicant failed to provide a showing of good and<br/>was not earlier presented. See 37 CFR 1.116(e).</li> </ol>   |  |   |  |
| 9. The affidavit or other evidence filed after the date of filing a<br>entered because the affidavit or other evidence failed to over<br>showing a good and sufficient reasons why it is necessary  | vercome <u>all</u> rejections under appea  | ıl and/or appellant fail:   | s to provide a                           |
| 10. $\square$ The affidavit or other evidence is entered. An explanation  | of the status of the claims after er   | ntry is below or attach   | ed.                                      |
| <ul> <li>REQUEST FOR RECONSIDERATION/OTHER</li> <li>11. The request for reconsideration has been considered but require further search.</li> </ul>  | does NOT place the application in  | condition for allowan   | ce because:                              |
| 12. Note the attached Information <i>Disclosure Statement</i> (s). (13. Other:  | PTO/SB/08) Paper No(s)   |   |  |
| /James P Trammell/<br>Supervisory Patent Examiner, Art Unit 3694  | /M. G./<br>Examiner, Art Unit 3694   |   |  |
|   |  |   |  |